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No. 05-1637

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SUPREME COURT, U.S.

In The

Supreme Court of the United States

JERRY ADAMS, Pro Se,

Petitioner,

v.

CITY OF SUFFOLK, VIRGINIA, et al.,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Fourth Circuit

SUPPLEMENTAL BRIEF TO PETITION FOR WRIT OF CERTIORARI

JERRY ADAMS (Pro Se)
315 Sussex Court
Suffolk, Virginia 23434
Home – 757-539-2061
Cell – 757-338-0632

SUPPLEMENTAL BRIEF TO PETITION FOR WRIT OF CERTIORARI

While in the district court, petitioner came across a precedent that requires public officials to be sued in their individual/official capacities. The petitioner tried to amend his pleadings but the district court would not allow petitioner to amend the pleadings even though the petitioner was pro se and constitutional violations were pled. A pro se litigant must be given leave to amend his or her complaint unless it is absolutely clear that the deficiencies of the complaint could not be cleared by amendment. *Noll v. Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1973).

In addition, petitioner dismissed some of the state actors simply because petitioner could not remember who was served yet it appears that they were allowed to remain on the pleadings in order to invoke the *Rooker-Feldman* Doctrine.

In addition there seems to be a loss by the respondents for what has been given for our great Constitution. Today, across America, mothers, fathers, wives, brothers, sisters and children will be attending funerals of our servicemen killed in order that our great Constitution will stand. This has taken place for the last 300 years. Petitioner cannot nor will he turn his back on his oath to the Constitution and what has been given for it.

Petitioner has held a United States government security clearance for forty years. Petitioner's lungs are full of asbestos, and he has short term memory problems due to inhaling lead fumes while brazing pipes on ships for our navy. Across America today, shipyard workers are suffering and dying from ailments contracted while building our great naval vessels. Yes, there has been a tremendous

amount of suffering and death given for our great Constitution.

Petitioner and his wife are good Christian people. She is a Sunday school teacher and petitioner is an usher and greeter at their church. Petitioner has been married to his wonderful wife for 41 years and has never cursed her or hurt her feelings. Petitioner gave an oath to God almighty to love, honor and cherish his wife. Petitioner also gave an oath to God almighty when he held up his right hand before God almighty to uphold the Constitution of the United States of America. Petitioner has no choice except to do what he has sworn to do. Petitioner cannot turn his back on his wife or what has been given for the Constitution so help him God.

The Honorable Justice Samuel F. Miller eloquently stated petitioner's position 124 years ago, which is petitioner's position today.

> No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives.

United States v. Lee, 106 U.S. 196, 1 S. Ct. 240 (1882).

Did Br n Miller, a first hand witness, admit on the official police report that Rodger Bradshaw committed a class 5 felony of leaving the scene of the accident? Yes, he did. Did Rodger Bradshaw admit to drunk driving on the

official police report? Yes, he did. Was there probable cause that Rodger Bradshaw committed a class 5 felony of involuntary manslaughter of petitioner's late son? Yes. "There is no crueler tyranny than that which is exercised under cover of law, and with the colors of justice." *United States v. Jannotti*, 673 F.2d 578, 614 (3rd Cir. 1982).

Does the Commonwealth Attorney have a two-fold duty that the guilty shall not escape and that justice shall be done? *Berger v. United States*, 295 U.S. 78 (1935). Obviously, the Commonwealth Attorney and the police neglected their duties to the public, to the petitioner and his family. "Was the Commonwealth Attorney acting as a minister and advocate of justice?" *Buckley v. Fitzsimmons*, 509 U.S. 273 (1953). Obviously, the police and the prosecutor were not acting as a minister and advocate of justice when they let an admitted felon and drunk driver endanger the public and failed to perform their sworn duties by arresting and prosecuting this felon and drunk driver with probable cause of a Class 5 felony of involuntary manslaughter of petitioner's late son.

Respectfully submitted,

JERRY ADAMS (Pro Se)
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